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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/736,186 | 12/15/2003 | Nobuo Sugino | F-8063 | 4328 |
| 28107 | 7590 | 04/07/2006 | EXAMINER | |
| JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168 | | | PARKER, FREDERICK JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1762 | |

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--|--------------------------------------|--|
| Office Action Summary | Application No. 10/736,186 | Applicant(s) SUGINO, NOBUO | |
| | Examiner Frederick J. Parker | Art Unit 1762 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7, 16-19 is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. The specification is replete with problems of grammar and idiomatic English such that it is unclear what is intended by the specification.
2. The disclosure is objected to because of the following informalities: in addition to the issues above, the Examiner points out specific issues regarding phraseology: p.2, line 24 and elsewhere “hurting a plant matter” is unclear; repeated reference to “painting” by pressing plant matter is made throughout the specification and abstract, but no step of painting per se ever appears to occur, which is confusing; also page 6, 1st paragraph, it is unclear what is meant by the pigment “is flown out” after pressing; pages 14-15, reference is made to specific claims as part of the specification which is improper; when these sections are deleted, Applicant must be sure there is antecedent basis for subject matter of original claims present in the specification. Appropriate correction is required.

3. The abstract of the disclosure is objected to because the language is replete with issues related to idiomatic English, making the abstract unclear and difficult to understand. Correction is required. See MPEP § 608.01(b).

Claim Objections

4. Claims 1-19 are objected to because of the following informalities: (1) claims should be reviewed and re-written using proper idiomatic English for clarity and understanding. (2) in

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claims 1,11,16-19; the meaning of “canvas for a dyed drawing which is drawn the dyed drawing” is confusing; (3) in claim 2, the last 3 lines are unclear. (4) in claim 5, the meaning of “providing to a back...canvas body” is confusing as written. (5) Claim 6, lines 2 and 4 are confusing. (6) claim 9, the meaning of lines 3-4 is unclear. (7) the meaning of lines 3-6 is unclear. (7) claim 11, the intended limitation of the “after-treating” step is unclear. (8) claims 17 & 19, last 2 lines are confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 4,5,10,11,16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 4,5 are vague and indefinite because the relative term “tiny” is ambiguous, is not understandable by one of ordinary skill, and is not defined by the specification.
- Claim 5 is vague and indefinite because the relative term “seldom” on line 5 does not convey the intended absorption of water, is not understandable by one of ordinary skill, and is not defined by the specification.
- Claim 8 is vague and indefinite because “of the kind of synthetic material” does not distinctly convey the intended material.

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- Claim 10 is vague and indefinite because the relative term “thin” does not convey the intended sheet thickness, is not understandable by one of ordinary skill, and is not defined by the specification.
- Claims 1,11,16-19; “the dyed drawing” in each painting step lacks antecedent basis; also, the “painting” step is vague and indefinite because no painting step as would be understood by one of ordinary skill appears to be required (does Applicants mean the pigment is transferred from the plant matter to the canvas using pressure means (spatula, roller, etc)?).

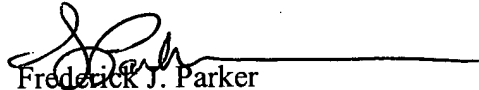
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 03-268943 teaches forming laminated sheets held by paper, fabric or textile sheet, and a sealable mesh; JP 11-269002 discloses forming pressed flowers by positioning a mesh 2 between flowers B on porous plate 1 and a pressing means. Neither reference is used to make a prior art rejection. It appears that Applicant's process may distinguish over the prior art as it is understood by the Examiner; however, the application is so replete with problems related to idiomatic English and grammar that the Examiner's understanding of the invention may be inaccurate. The response will be re-searched for prior art once the objections and rejections above are withdrawn. Applicant is reminded that no new matter may be introduced by amendment. Page/ line citations should be included in Response for substantial amendments.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frederick J. Parker
Primary Examiner
Art Unit 1762

fjp